App. F. IX-4

1927.

File No. 31-27

Previous References (Courts)

Serial Nos. 1-5

Later References
236-27(1-2)
Cts 8-28, 22 Ref
Cts Dl 235-30.
Cts 52-30, 394.
150-37(1-2)

General and Revenue Secretariat.

Serial Nos. Fine

Part B for September 1927

SUBJECT

Investiture of all the Special second class magistrates and Amildars and Deputy Amildars who are ex-officio second class magistrates with powers under section 164 Criminal Procedure code.

Note. Nop 1502 & 15-9-27 To the Compiler

Notices as above

Ramaswamy Iyengar
20-10-27

G. R. S. III -1] 927-28

GENERAL AND REVENUE SECRETARIAT.

C5-

NOTES.

File No. 31-27

FILE HEADING.

Investiture of powers under section 164, Criminal Procedure Code

From

The Dy. Kadir Bt

No. 137 Dated 18-7-27 Received 20-7-27

Diary No. 453 | Enclos. | Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that there are only 3 first class magistrates excluding two Sanitary first class magistrates in the Bt who can record confessions and statements under section 164 Criminal Procedure code, and if persons from remote corners have to be taken to Sadr magistrates for recording confessions and statements, much time will be wasted and in travelling besides cost to govt and recommends that the Special Second class magistrate and all the Sanitary magistrates in the district be invested with NOTES AND ORDERS. the power under section 164 Cr. P. C.

From

The Dy. Shikarpur Bt. Letter no J:- 23/27-28 dt 20-7-27

requesting that all the Special, Second class magistrates and Assistants and Deputy Collector in the Bt be invested with power under sections 164 and 167 Criminal Procedure code.

Ordered

Under section 164 Criminal Procedure code as recommended

NOTES—First Sheet.

WD.1881—GPB—30 000—1-8-21

General and Revenue Secretariat.

File No. 31 of 1927

Serial No.

only first class magistrates and ~~Special~~ Specially empowered second class magistrates can record statements and confessions in the course of investigation etc. The Dmskadua requests and Dmnoya request that all the Special second class magistrates and all the Mudaliars and Deputy Mudaliars who are Kapuwa second class magistrates may be invested with the power. If approved, a notification will be put up empowering all the Special second class and Kapuwa second class magistrates under this section

2) As regards the request of the Dm Dmnoya to invest the second class magistrates (both Special and Kapuwa) with power under section 167 to ~~further remand~~ the detention of accused in police custody during the course of investigation, the question has been referred to the Chief Court Vide 2 to receipt may be awaited

Submitted for orders

3/ 2/27

3) The question whether a Special notification is necessary in the case of Special magistrates has also been referred to the Chief Court. The same point arises in this regard

NOTE—Contn. sheet.

WD 0324 -GPB-60,000-24-5-27

App. F. III—2]

General and Revenue Secretariat. | No. File No. 31 of 192 7

Serial No.

See para 16 4 above..

) Please look into the 2nd St George gazette & see whether such notifications have been issued under sections 164 & 167

28/7

Madras. Individual Second class magistrates have been specially empowered under sections 164 & 167 No notification has issued withdrawing the powers from ~~the Special Magistrates~~ magistrate ~~who~~ the date when the new Act came into force

Submitted.

10/8/27

Asst

From

the Asst Surgeon. Letter no 43 } 7-8-27

Requests early orders investing all exercised Second class magistrates with powers under section 16

Asst

The Chief Secretary stated that all 2nd class magistrates whether Executive or Special may be empowered to authorise detention in Police custody — thereby supplementing the issue of a notification specially empowering

WD 0324—GPB—60,000—24 5-27

) Please find out W.O when the file may be expected from the Ch. Sec

18/8

1/5

) The file is stated to be under circulation with the proper of the Government Asst with a formal W.O.

Rr

18/8/27

Asst

NOTE—Contn. sheet.

) Note

28/8/27

The file has been used & hence the Rr was not issued

General and Revenue Secretariat. | File No. 31 of 1927

Serial No.

the Second class magistrates. Submits with a draft

8/19/8/27 AHR 19/8

(10) Special notification under Section 164 is necessary, as the Chief Court Considers that it is necessary for empanelling under Section 167 Cr. Pro. code.

It is perhaps necessary to lay in the notification that Amildars & Dy Amildars who are investigating Police cases should record such statement.

Dft 4 copies 20/8

1579/22/6

Secy & D) 1st item Cr. 12 may be done 28/8 20/8

Await Chief Courts' reply to Dy Amildars & issue a single notifn re detention in Police custody & Chief Courts also make their U.O. before issue. A has this made clear in the notifn itself, perhaps.

DE 23/8/27

8/4 23/8

8/24/8

CS 24/8

NOTE—Contn. sheet.

794

App. F. III—2] 5

General and Revenue Secretariat. | File No. 31 of 1927.

Serial No.

1927/28 Cno 266

U.O.No.P 11927
26/8/27.

CHIEF COURT
26. AUG. 1927
OF MYSORE

Forwarded, with compliments & necessary to the Registrar, Chief Court for favour of returning the opinion of the Chief Court

By order

Kingsnaudes
for Secretary

26/8/27 D, dis. 46
27-28

IMMEDIATE.

Returned with compliments.

The Judges of the Chief Court consider that there is no objection to Ex-officio Amildar and Deputy Amildar Magistrates, being invested with power under Section 164, Criminal Procedure Code, since the amendment made in our code is not the same as that made in the British Indian Code. The words " if he is not a Police Officer " have not been adopted in our code the words used being "provided that such Magistrate has not acted as a Police Officer in the investigation". They are not therefore incompetent to record confessions unless they had themselves taken part in the investigation of the case.

Abeenashayya 2/9/27

Chief Court of Mysore,
Bangalore,
Dated: 1st September 1927

REGISTRAR.

KVN/-

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. | No. File No. 31 of 1927.

Serial No.

From

Mysore. Letter no 2094 & 14-F-27

Requests that the special magistrates at Mandya and Hunsur may be invested with the powers under sections 164 and 167 Criminal Procedure code

16) Send with the draft already sent up Rep. paras 10 to 15 above

6/9/27 6/9 17) Draft ~~not~~ approved

Send for appl.

I member) 6/9

1990/6/9

A?

Write a form

6/9

6/9

6/9

18

Send.

The section itself provides sufficient safeguards by the proviso which runs as follows

"provided that such magistrate has not acted as a police officer during the investigation Hence if an Assistant or Dy Assistant has investigated a case he cannot subsequently record confessions and statements

9/9 9/9 19) The Ch. Ch is of opinion that

NOTE—Contn. sheet

General and Revenue Secretariat. | do File No. 21 of 1927

Serial No.

2083/1149

Since the Section itself says that "provided that such magistrate has not acted as a police officer in the investigation", the magisterial Amildar magistrate need be incompetent to record confessions in the cases investigated by them. It is stated that no reference to that effect is necessary in the notification

I minutes) 8/11/27

Impressed 10/11/27

5 To the Compiler Mysore Gazette

R of 1502 Dy 15-9-27

Notifies the empowering of all the Spl 2nd class magts and all Amildars and Dy Amildars who are ~~2nd class~~ ex-officio II class magts to record any statement made to them in the course of an investigation under Chapter XIII of the Cr P.C or at any time afterwards before the commencement

NOTE—Contn. sheet

General and Revenue Secretariat. | File No. 31 of 1927.

Serial No.

of the enquiry or trial.
To the Dy Registrar of Dbs
The Deputy Chief Court
Roop 1504-11 and 1503 Dy 15.9.27
Forwards a copy of the above

D
4/10

WD 0324—GPB—60,000—24-5-27

1 495 P 27

OFFICE OF THE DEPUTY COMMISSIONER.
SHIMOGA DISTRICT.

No J. 1. 23/27-28

Shimoga, Dated the 20th July 1927.

Cr 31-27-1

From B.T. Kesavaiengar, Esq., B.A.,
Deputy Commissioner,
Shimoga District.

To

B. Nagappa, Esq., Bar-at-law,
Secretary to Government,
Law Department,
Bangalore.

Sir,

I have the honour to invite kind reference to the proviso under Sections 164 and 167 of the amended Criminal Procedure Code 1927 re: the power to record confessions and of granting remands in the case of persons aprehended by the Police and to request that you will be so good as to obtain a general Notification empowering all the Special 2nd Class Magistrates in the District as well as all Amildars and Deputy Amildar Magistrates who by virtue of their office are Ex-officio 2nd Class Magistrates with powers under Sections 164 and 167 Cr.P.C. 1927.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Shimoga District.

453
P 827.
2

WD 2332—GPB—450—5-8-22

D. M. 3]

No.J1-137/27-28.

Office of the District Magistrate,
Kadur District.

Chikmagalur, dated 13th July 1927.

Cb 3/-27-2

From H. V. Ramaswami, Esq, M.A., B.L.,
DISTRICT MAGISTRATE
KADUR DISTRICT.

To B. Nagappa, Esq, Bar-at-Law.,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

SIR,

Power to record statements and confessions.

I have the honor to state that under Section 164 of the Code of Criminal Procedure, as amended by Regulation VI of 1927, only Magistrates of the First Class, and Magistrates of the Second Class specially empowered by Government have to record statements and confessions. There are only three First Class Magistrates, i.e,. One Special Magistrate at Chickmagalur and two Assistant Commissioner-Magistrates at Chickmagalur and Tarikere, in this District. If persons in a remote corner of the District have to be taken to any one of the said Magistrates, much time will be wasted in travelling only, not to speak of the cost to Government and the undesirability of delaying the recording of such statements or confessions, in the interests of justice. I therefore recommend that all Special II Class Magistrates and Ex-Officio 2nd Class Magistrates may be empowered under Section 164 of the Criminal Procedure Code to record statements or confessions made to them in the course of an investigation under Chapter XIV of the said Code.

I have the honour to be,

Sir,

Your most obedient servant,

H. V. Ramaswami

District Magistrate,
Kadur District.

M.L.A.

WD 0463—GPB—3,00,000—21-7-17—S.

191

From

The District Magistrate,

Kadur District.

To

The Secretary to

the Government of His Highness

the Maharaja of Mysore,

Dated Bangalore.

Despatched

Received

General No.

No.

Enclosure No.

SUBJECT.

794 P827
3

04851

No.J.1. 23/27-28.

Office of the District Magistrate,
Shimoga District.
Dated, Shimoga, 7th August 1927.

CB 31-27-3

From

B.T. Kesavaiengar, Esq., B.A.,
District Magistrate,
Shimoga District.

To

B. Nagappa, Esq., Bar-at-law,
Secretary to Government,
Law Department,
Bangalore.

Sir,

I have the honour to invite kind reference to this office letter No.J.1. 23 of 27-28 dated the 15th July 1927 re: empowering the Special 2nd Class and Ex-officio 2nd Class Magistrates to grant remands under Sec. 167 Cr.P.C. etc., and to state that as at present the Police have to March the accused all the way to Shimoga or to Sagar for obtaining remand from the 1st Class Magistrates. The time taken for the journey and also the cost in the shape of allowances etc., will not only be enormous but it will also cause much hardship to the accused and the Police.

I therefore request that early orders may be obtained for a general Notification empowering all the Special 2nd Class and Ex-officio 2nd Class Magistrates with powers under Sec. 164 and 167 Cr.P.C., as already recommended.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Shimoga District.

15

1213
P 27
4

§1- No. 2094-27.

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT,
Dated, Mysore, 24th August *192* 7.

From

C/f 31-27-4

A.V. Ramanathan, Esq., B.A.,
District Magistrate, Mysore District.

To

B. Nagappa, Esq., Bar-at-law.,
Law Secretary to the Government
of Mysore, Bangalore.

SIR,

I have the honour to state that according to the new Criminal Procedure Code, third class and second class Magistrates not specially empowered have no power to record confessions under Section 164 Criminal Procedure Code. As ~~xxxxxxx~~ there are only 4 Magistrates, namely the Special 1st Class Magistrate of Mysore, French Rocks, Nanjangud and the City Magistrate Mysore who are competent to exercise powers under the said sections in this District much difficulty is being experienced by the police as they have to march the accused to distant places.

2. In these circumstances, I request that the Special IInd Class Magistrates of Mandya and Hunsur may be specially empowered to record confessions under Section 164 Criminal Procedure Code and grant remands under Section 167 Criminal Procedure Code.

I have the honour to be,
Sir,
Your most obedient servant,

For District Magistrate,
Mysore District.
(Absent from Head Quarters)

CMS.

APP. F. VI. Gl.]

5

SUBJECT.....

.....

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Section C/5
File No. 31-27
Serial No. 5

No. Application No. P. 1502.

Diary No. of letter replied to .....

General and Revenue Secretariat
( )
the 192

To

.....

Date of issue 15.9.27

Signed by Mr. T.V.

Under section 164 of the Code of Criminal Procedure, 1904 as amended by Regulation VI of 1927, all the Special Second class magistrates and all Sheristadars and Deputy Sheristadars and Extra Assistant Second Class magistrates are empowered to record any statement made to them in the course of an investigation under Chapter XIV of the said Code or at any time afterwards but before the commencement of the enquiry or trial

over

P. 1504 - 1511. 8/15-9-27
Dms of Dy for information
R. O

WD 0562 -GPB—31,000—17-8-25

Dy
26/9

Laws

Copies of the present application No. 1503 of 1918 may be supplied on application